32692 Customer Number Case No.: 53325US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: KHIEU, SITHYA S.

Application No.: 10/039957 Confirmation No.: 8431

Filed: December 31, 2001 Examiner: Gary Hartmann

Title: MATRIX ELEMENT PAVEMENT MARKER AND METHOD OF MAKING

SAME

AMENDMENT AND RESPONSE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice of Abandonment and previous Communication RE: Appeal in the above-identified application.